UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/834,703	04/12/2001	Richard Sadowsky	20423-05243	5017

7590 09/14/2004	**EXAMINER**
Edward J. Radlo	CHAVIS, JOHN Q

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ART UNIT	PAPER NUMBER
2124	

DATE MAILED: 09/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 April 2001*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-15* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-15* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date *3*.

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act

of 1999 (AIPA) and the Intellectual Property and High Technology Technical

Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting

directly or indirectly from an international application filed before November 29, 2000.

Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior

to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2.   Claims 1-12 and 14-15 are rejected under 35 U.S.C. 102(e) as being anticipated

by Sana et al. (6,178,551).

What is claimed is:	Sana
1. A computer implemented method for automatically uninstalling a software application resident on at least one computer terminal in a network, the method comprising:	Sana teaches a system for automatically uninstalling a software application, see fig. 3, specifically item 313.
identifying the steps required to uninstall the software application resident on a model computer;	See Sana's col. 12 lines 13-36.
generating a self-executing uninstall package from the information obtained	See Sana's col. 12 lines 28-36.

in the identifying step,

said self-executing uninstall package adapted to automatically remove the software application from the at least one computer terminal;	See again the cited portion above, which indicates that it is no longer necessary to implement the process (i.e. it is performed automatically) of returning to the former environment... when uninstalling.
transmitting the self-executing uninstall package to the at least one terminal whereupon the self-executing uninstall package will automatically remove the software application from the at least one computer terminal.	See col. 12 lines 40-53.
2. The computer-implemented method of claim 1, wherein the self-executing uninstall package is generated by executing the step of: removing the software application from the model computer by using a corresponding uninstall program having a plurality of executable uninstall options, wherein said uninstall program is adapted to interface with a user in order to select which of the plurality of executable uninstall options are executed; recording the uninstall options selected from the plurality of executable uninstall options within the uninstall program; generating the self-executing uninstall package from the recorded selected uninstall option within the uninstall program.	See again the portion cited in the identifying step of claim 1 here and the remainder of the rejection of claim 1 for the rest of this claim.
3. The computer-implemented method of claim 1, wherein the self-executing uninstall package is generated by executing the steps of: installing the software	See the rejection of claim 1.

application on a model computer;

maintaining a record of the software
application's install-time activities on the
model computer;

generating the self-executing uninstall
package from the record of the software
application's install-time activities.

4. The computer implemented method of claim 1 wherein the self-executing uninstall package contains a minimum number of run-time components required for removal of the software application from the at least one computer terminal.	See the rejection of claim 1, the minimum is considered based on the files installed, see col. 12 lines 18-27.
5. The computer implemented method of claim 1 wherein the transmitting step includes: identifying at least one specific computer terminal from which the software application will be removed; transmitting the self-executing uninstall package solely to the at least one specific computer terminal whereupon the self-executing uninstall package executes and removes the software application.	See again col. 12 lines 40-58.
6. The computer implemented method of claim 3 further comprising the steps of: maintaining a record of the model computer's file system prior to installation of the software application; installing the software application and subsequently executing the self-executing uninstall package on the model computer;	See again the rejection of claim 1.

verifying the self-executing uninstall
package completely removed the software
application by comparing the model
computer's resulting file system to the
maintained pre-installation record of the
model computer's file system;

modifying the self-executing uninstall
package so that the model computer's file
system after executing the sell-executing
uninstall package is equivalent to the
maintained pre-installation record of the
model computer's file system.

In reference to claims 7-11, see the rejection of claims 1-5. Sana's system

provides for the apparatus, see the title and the abstract.

Claim 12 is rejected as claim 1 above. Sana's system represents the product.

The features of claims 14-15 are taught via claim 3-4.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 13 rejected under 35 U.S.C. 103(a) as being unpatentable over Sana et

al. as applied to claims 1-6 above, and further in view of Lockbaum (5,953,532).

As per claim 13, Sana provides for interacting with the user during installation;

but, does not indicate that interaction occurs when a program is unistalled. He indicates

that this is provided to occur automatically to keep the user from forgetting to change

some of the environment parameters. Therefore, in situations where the user is capable
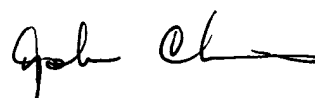
of returning the environment to the previous condition, it would have been obvious to a person of ordinary skill in the art at the time of the invention to enable the user to selectively perform or assist in uninstalling to ensure his requirements are met (for example, in situations where the user wishes to keep certain data files generated by the installed program). Furthermore, the feature of enabling the user to participate in the uninstalling of programs is taught by Lochbaum for that particular reason (see col. 7 lines 24-43 and col. 6 line 65-col. 7 line 3) and therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to utilize the feature in Sana's system for the same reason.

5.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Chavis whose telephone number is (703) 305-9665. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on (703) 305-9662. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jqc
September 10, 2004

JOHN CHAVIS
PATENT EXAMINER
ART UNIT 2124